IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

Crl.MC.No. 2080 of 2007()

CP.30/2006 of JUDL.MAGISTRATE OF FIRST CLASS, SASTHAMCOTTA
CR.NO.202/04 OF SOORANADU POLICE STATION.

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PETITIONER: ACCUSED

BHANUKUTTAN, AGED 50 YEARS,
S/O. GOVINDAN, RESIDING AT PALAVILA THEKKATHIL
HOUSE, SOORANADU NORTH VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.ROSHEN.D.ALEXANDER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO. 2080 OF 2007

Dated this the 28th day of June, 2007

ORDER

The petitioner faces allegations under the Kerala Abkari Act. Investigation is complete. Cognizance has been taken. Committal court issued summons to the petitioner. The petitioner came to this Court to seek anticipatory bail. By order dated 20/11/2006, another Bench of this Court dismissed the application; but with an observation that if the petitioner appears before the learned Magistrate within two weeks and seeks regular bail, the same must be considered and disposed of on the date of surrender itself. The petitioner did not so appear personally; but he appeared through counsel and prayed for extension of time. The learned Magistrate has granted extension of time till 30/6/07. The petitioner has to appear there on that day. The petitioner apprehends that his application for bail may not be considered on merits, in

accordance with law and expeditiously. He has therefore come to this Court again with a prayer for issue of appropriate directions under Sec.482 of the Cr.P.C. The learned counsel for the petitioner prays that the learned Magistrate may be directed to consider his application for bail in the light of the decision in **Sukumari v. State of Kerala** (2001 (1) KLT 22).

2. I do not consider it necessary for the petitioner to come repeatedly to this Court seeking such directions. Any court has to consider the application for bail of a person who appears before it on merits, in accordance with law and expeditiously. Such application is to be disposed of on the date of appearance/ surrender itself in every case unless there are compelling reasons. Similarly, no separate direction of this Court is required to persuade the Subordinate Courts to dispose of the bail application in the light of the decision in **Sukumari v. State of Kerala** (2001 (1) KLT 22). The dictum in **Sukumari v. State of Kerala** (2001 (1) KLT 22) must be followed by the learned Magistrate.

3. This petition is, in these circumstances, dismissed; but with the observation that if the petitioner appears before the learned Magistrate and applies for regular bail, such application must be considered by the learned Magistrate on merits, in

accordance with law and expeditiously – on the date of surrender itself. Such disposal must be in the light of the dictum in **Sukumari v. State of Kerala** (2001 (1) KLT 22).

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge